

U.S. Application Serial No. 10/770,917
Attorney Docket: 71312-0202
Reply to Office Action of November 28, 2005

REMARKS

This Amendment and Response is in response to the Office Action dated November 28, 2005

wherein the Examiner:

(i) rejected claims 1 and 3-15 under 35 U.S.C. § 103(a) as being unpatentable by Krauss et al. (U.S. Patent No. 2,724,465) ("Krauss") in view of Pracht et al. (U.S. Patent No. 4,506,482) ("Pracht"),

and

(ii) objected to claims 9 and 10 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action and, when coupled with the amendments made herein, are believed to render all claims at issue patentably distinguishable over the cited references.

All the changes are made for clarification and are based on the application and drawings as originally filed. Applicant has added new dependent claims 16-21 to help further define the scope of the invention. It is respectfully submitted that no new matter is added. Applicant respectfully request reconsideration and allowance of claims 1 and 3-21 in light of the above amendments and the following remarks.

Rejections under 35 U.S.C § 103

The Examiner has rejected claims 1 and 3-15 under 35 U.S.C. § 103(a) as being unpatentable over Krauss in view of Pracht. Applicant traverses such rejections, for the reasons set forth below.

Applicant has amended independent claims 1, 13 and 15 to clarify that the support panels of the present invention comprise an integral angled edge that, when combined with the face of the support panels, have an L-shaped cross-section. This is illustrated in, for example, figures 2-6 of the present Application. Neither Krauss nor Pracht, whether alone or in combination, suggest, disclose or discuss

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"support panels having an integral angled edge that extends around the perimeter thereof and is substantially normal to said panel face such that said panel face and said angled edge comprise a substantially L-shaped cross-section" as provided for by all of the claims at issue.

The Examiner states in the Office Action at page 2 that the Krauss reference discloses a series of panels and contends that these panels have an integral angled edge and the edge is coupled to the frame. Applicant respectfully disagrees. Applicant submits that the Krauss reference does not disclose a support panel as provided for by the claims at issue. Furthermore, it is apparent that the Krauss reference does not disclose, discuss or suggest "support panels having an integral angled edge that extends around the perimeter thereof and is substantially normal to said panel face such that said panel face and said angled edge comprise a substantially L-shaped cross section" as provided for by the claims.

The elements of Krauss upon which Examiner relies for his assertions are element 42 (for "support panels") and element U (for tiles). These elements in Krauss are described as an "insulating body" (column 4, line 26) and "panel unit" (column 4, line 11) respectively. With respect to element 42, the "insulating bodies" of Krauss are very different from the "support panels" as provided for by the claims at issue. First, the insulating bodies of Krauss do not have an "integral angled edge that extends around the [insulating bodies] perimeter" as provided for by each of the independent claims. The insulating bodies of Krauss are described as follows: "Body 42 backing the panel in each case is suitably of insulating material of any well-known type and is preferably precast in a light weight slab form" (see column 4, lines 42-44). In each of the Figures of Krauss it is apparent that the insulating body 42 is a slab of insulating material. The description of Krauss does not describe, nor do the figures of Krauss illustrate, "an integral angled edge" as provided for by the claims. Krauss teaches a slab of insulation material, which is very different from the "support panels" as claimed.

Second, the insulating bodies of Krauss are not "secured substantially within said plurality of openings of said frame by said angled edge being coupled to said frame". As described above, the

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insulating bodies do not have an "angled edge" and therefore necessarily cannot be secured in the frame by the angled edge. Further, as shown in Figure 6, insulating body 42 is attached on its backside by elements 56 and 57 (see column 4, lines 48-60).

Third, it is apparent that elements U of Krauss do not comprise "tiles" as provided for by the claims at issue. Element U is described in Krauss as "channeled sheet metal parts" at column 3, lines 47-48. These "sheet metal parts" are very different than the "tiles" as claimed by Applicant.

Finally, Krauss not only does not provide for the "tiles" to be secured to the "panels", in fact Krauss specifically teaches away from securing "tiles" to the "panels" as provided for by the clarified claims. Krauss specifically states: "the important thing is the contact between the [insulating bodies 42 and the panels U] is limited so far as practicable" (see column 3, lines 11-13). Even assuming that Examiner is correct that insulating bodies 42 comprise "support panels" and panels U comprise "tiles" (which he is not, for the reasons stated above), the Krauss reference states that "the important thing" is that the support panels and tiles contact each other as little as possible. This is directly opposite the teaching of the present Application, in which the tiles are secured to the panels by structural silicon. For this reason, and the other reasons above, Applicant submits that the Krauss reference fails to disclose, teach or suggest the limitations of "support panels" or "structural silicon is used to secure said tiles to said panels" as provided for by the claims at issue.

The Examiner admits that Krauss does not disclose tiles adhered to the panels with silicone. However, the Examiner asserts that Krauss can be combined with the Pracht reference in order to provide these limitations. However, Krauss is not combinable with Pracht since Krauss does not suggest the teachings of Pracht and Pracht does not suggest the teachings of Krauss. See Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 227 U.S.P.Q. 657 (Fed. Cir. 1985) ("To combine references (A) and (B) properly to reach the conclusion that the subject matter of a patent would have been obvious, case law requires that there must be some teaching, suggestion, or inference in either reference (A) or (B).

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or both, or knowledge generally available to one of ordinary skill in the relevant art that would lead one skilled in the art to combine the relevant teachings of references (A) and (B). Consideration must be given to teachings in the references that would have led one skilled in the art away from the claimed invention. A claim cannot properly be used as a blueprint for extracting individual teachings from references."). As described above, Krauss specifically teaches away from adhering tiles to panels. The Examiner is using improper hindsight reasoning when attempting to combine these references because he is utilizing the teachings in the pending application and applying them to the prior art references in order to conclude the pending claims are unpatentable. Because Krauss specifically teaches away from adhering tiles to support panels, Applicant respectfully submits that Krauss and Pracht are not combinable and, thus, claims 1 and 3-15 are nonobvious.

As stated above, Applicant has added new dependent claims 16-21. These new claims are ultimately dependent on independent claim 1. Because claim 1 is allowable, for the reasons set forth above, new claims 16-21, which depend therefrom, should also be allowable.

Conclusion

In light of the above remarks, it is respectfully submitted that Applicant has responded in a fully satisfactory manner to all matters at issue in this Application, and that this Application is now in condition for allowance. In this regard, Applicant has made every effort to comply with the requirements set forth in the Office Action as well as the statutory requirements. Accordingly, Applicant respectfully request that the Examiner allow the pending claims and pass the Application to issue. If the Examiner believes that personal communication will expedite prosecution of this application, he is invited to telephone the undersigned at (248) 433-7570.

Applicant believes there are no fees due for this document, however, if any fees are due, the Patent Office is authorized to charge or refund any fee deficiency or excess to Deposit Account No. 04 1061 in the name of Dickinson Wright PLLC.

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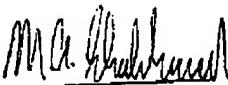
Prompt and favorable consideration of this response is respectfully requested.

Respectfully submitted,

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Date: February 17, 2006

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